

RESOLUTION NO. 14-011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN
AMENDMENT NO. GP14-0002 AND ZONING AMENDMENT NO. ZA-14-0004 TO
CREATE A NEW PLANNED DEVELOPMENT ZONING DISTRICT AND
ACCOMPANYING LANGUAGE FOR INCLUSION IN THE CITY'S ZONING
ORDINANCE**

WHEREAS, Planned Development Zoning District, or sometimes referred to as a "Planned District" is a common practice of zoning regulation to govern land use and development proposals in a coordinated and consistent approach; and

WHEREAS, The purpose of a Planned District is to encourage and provide a method to achieve desirable development and improvement of land with variations in building siting, design and orientation, mixed land uses, varied housing or building types, and incorporation of public improvements while creating desirable design character and land use compatibility; and

WHEREAS, the City of Milpitas currently has provisions for a Planned Unit Development (PUD) Permit, which is a similar but a different approach for regulating specific development proposals since the PUD provisions do not constitute a rezoning of the property but rather issuance of a PUD permit for a development plan in substantial compliance with the property's zoning district; and

WHEREAS, Planned Development Zoning District can prove valuable to allow larger, more complex development projects that do not meet the strict regulation of standard zoning districts while gaining public improvements or benefits. Given the rapidly changing market and economic conditions of Silicon Valley, and the pace of development processing, this option can assist in achieving a well-designed built environment while providing the owner/developer assurance that their project is vested through zoning; and

WHEREAS, on February 12, 2014, the Planning Division initiated a process to amend the Milpitas General Plan and Zoning Ordinance to create a new Planned Development Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA Guidelines Section 15061(b)(3); and

WHEREAS, on March 12, 2014 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties;

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2: The project is categorically exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project includes policy amendments and have no direct connection or effect on the environment. The General Plan and Zoning amendments provides a framework for a new Planned Development Zoning District and any future applications for a specific development project under the Planned Development Zoning District will be subject to CEQA review.

Section 3: General Plan Amendment (Section XI-10-57.02(G)(1)) - The Planning Commission makes the following findings based on the evidence in the public record in support of General Plan Amendment No. GP-14-0002:

1. *The proposed amendment is internally consistent with those portions of the General Plan not being amended.*

The proposed amendment is consistent with this finding because a new General Plan guiding principle is proposed to add policy language to the General Plan for implementing the Planned Development Zoning District. The proposed amendment has been analyzed against the General Plan and is internally consistent with other portions not being amended.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed amendment is consistent with this finding because the nature of Planned Development Zoning District is to allow flexibility in zoning, land use and development standards. Future implementation of the ordinance is subject to consistency with the general Plan, as well as all other codes, policies and regulations of the City of Milpitas which address the safety and welfare of the community. For these reasons, the proposed amendment will not adversely affect the community, nor the public health, safety or welfare of the City of Milpitas.

Section 4: Zoning Amendment (Section XI-10-57.02(G)(3)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA-14-0004.

1. *The proposed amendment is consistent with the General Plan.*

The proposed amendment is consistent with this finding because of the reasons stated above in the General Plan analysis section of this report. Further, the proposed General Plan Amendment for Planned Development zoning provides a policy basis for future implementation and identifies

which zoning district are appropriate for Planned Development districts. Based on these reasons, the proposed amendment is consistent with the General Plan.

3. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed amendment is consistent with this finding because the nature of Planned Development Zoning District is to allow flexibility in zoning, land use and development standards. Future implementation of the ordinance is subject to consistency with the general Plan, as well as all other codes, policies and regulations of the City of Milpitas which address the safety and welfare of the community. For these reasons, the proposed amendment will not adversely affect the community, nor the public health, safety or welfare of the City of Milpitas.

Section 5: *The Planning Commission of the City of Milpitas hereby adopts Resolution No. 14-011 recommending the City Council adopt* an amendment to the General Plan and Zoning Ordinance to create a new Planned Development policy and amend the consistency matrix in the general Plan; and, to create a new Planned Development Zoning District and accompanying language for inclusion in the City's Zoning Ordinance (General Plan Amendment, GP14-0002, Zoning Amendment No. ZA-14-0004) - ***based on the above findings incorporated herein.*** The proposed Zoning Ordinance amendment is set forth in Exhibit 1 and the proposed General Plan amendment is attached as Exhibit 2.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on March 12, 2014:

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on March 12, 2014 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Demetress Morris				
Gurdev Sandhu				
Garry Barbadillo				
Hon Lien (alternate)				